

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CALVIN ALPHONSE LEE (152056), *

*

Plaintiff,

*

*

VS.

*

2:07-cv-82-MHT

*

**ALABAMA DEPARTMENT
OF CORRECTIONS, et al,**

*

*

*

Defendants.

*

SECOND SUPPLEMENTAL ANSWER and SPECIAL REPORT

Comes now the Defendant, **Debra Martin**, by and through the Attorney General for the State of Alabama, by and through its assistant attorney general, *Bettie J. Carmack*, and responds to the Court's order dated April 2, 2007 as follows: Defendant Martin asserts that she has never discriminated against Calvin Lee based upon his race. (*See Exhibit I*) Defendant Martin asserts that Inmate Lee's prison classification and program participation is based upon the criteria set forth in the Department of Corrections Classification manual.

Respectfully Submitted,

Troy King (KIN047)
Attorney General

/s/ Bettie J. Carmack
Bettie J. Carmack (CAR-132)
Assistant Attorney General
Civil Division
11 South Union Street
Montgomery, AL 36130
Phone: 334-353-5305
Fax: 334-242-2433
Email: bcarmack@ago.state.al.us

CERTIFICATE OF SERVICE

I hereby certify that I have, this the **4th** day of **April, 2007**, served a copy of the foregoing upon the Plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Calvin A. Lee
AIS #152056-A31
P. O. Box 220410
Deatsville, AL 36022

/s/ Bettie J. Carmack
Bettie J. Carmack (CAR-132)
Assistant Attorney General
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
Telephone: (334) 353-5305
Facsimile: (334) 242-2433

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I

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Calvin Alphonse Lee #152056)

Plaintiff,)

v.)

Alabama Dept. of Corrections, et al.,)

Defendants,)

CIVIL ACTION NO. 82-MHT-CSC

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said county, personally appeared Debra Kay Martin, who being known by me and first duly sworn, deposes and says on oath as follows:

My name is Debra Kay Martin and I am presently employed as a Classification Specialist with the Department of Corrections, Frank Lee Youth Center, Deatsville, Alabama. I am over twenty-one (21) years of age and I have personal knowledge of the facts set forth herein.

1. Defendant Martin has no control over criteria utilized to determine program eligibility. These criteria are set forth in the Department of Corrections Classification Manual.
2. Defendant Martin classifies all inmates assigned to Frank Lee Youth Center in accordance with the Department of Corrections Classification Manual.
3. Defendant Martin has not discriminated against Calvin Lee because of his race.


Debra Kay Martin

STATE OF ALABAMA)
ELMORE COUNTY)

SWORN AND SUBSCRIBED BEFORE ME AND GIVEN UNDER BY HAND AND
OFFICIAL SEAL THIS, THE 2nd DAY OF April, 2007.


Notary Public